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## **Netherlands**

### **Food and Agricultural Import Regulations and Standards - Certification**

#### **FAIRS Export Certificate Report**

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**Report Highlights:**

The Netherlands, as a member of the European Union (EU), conforms to all EU regulations and directives. However, rules for the certification of imports are complicated and in practice not always harmonized across EU Member States. This report lists the recent developments related to the Dutch requirements for the certification of agricultural and food imports.

## **Introduction**

The Netherlands, as a member of the European Union (EU), conforms to all EU regulations and directives. We therefore recommend that this report is read in conjunction with the EU FAIRS Export Certificate Report. This report can be found on the FAS website:

<http://gain.fas.usda.gov/Pages/Default.aspx>,

or obtained from the U.S. Mission to the EU in Brussels, Belgium (USEU).

For U.S. agricultural and food exports, the Netherlands is the gateway to the EU. During the first ten months of 2017, Dutch imports from the United States grew by 24 percent to nearly \$3.0 billion and is anticipated to reach a record value of about \$3.5 billion for the calendar year. The main agricultural and food products being imported from the United States are soybeans, tree nuts, fish products, food preparations, and fats & oils.

Dutch Customs conducts the document check from which the Netherlands Food and Consumer Product Safety Authority (NVWA) selects the lots for further inspection. Unfortunately for exporters, rules for certification of imports are complicated and in practice not always harmonized across EU Member States. This report lists the recent developments related to the Dutch requirements for the certification of agricultural and food imports.

Between two and three percent of all shipments entering Europe through the Netherlands are detained. The main reason provided for detained shipments from the United States this past year were as follows:

Information on the document is incorrect –

- Wrong EU plant approval registration number
- Wrong strike outs or initials missing by strike outs
- Stamp is unclear or stamp is not original

Certificate is not valid –

- Certificate is not original
- Wrong certificate
- Certificate was issued after the date of departure

## **E-Certification**

U.S. regulatory agencies and the NVWA continue to promote the use of e-certification for both exports and imports. The advantages being that the document check can be performed at an earlier stage, issues can be identified and rectified and the paper certificates will not get lost. Ultimately it will cut down on the administrative burden and save costs. To date, the USDA Agricultural Marketing Service (AMS) has been very supportive in promoting the use of electronic certificates. An estimated fifteen percent of

the certificates issued for dairy, almonds and pistachios are electronic certificates.

Starting October 19, 2017, the EU required the use of electronic certification through the EU's Trade Control and Expert System (TRACES) for certified Organic Products. The United States continues to work closely with the EU as the latter is updating their TRACES system. For more information see the EU FAIRS Export Certificate Report

## **Composite Products**

The EU has created a model health certificate for imports of composite products, which was implemented in 2012. All composite products containing a processed meat product are subject to a veterinary check. Generally speaking, composite products that have more than fifty percent of animal origin products also require a certificate, and there are certification requirements concerning the heat treatment for all dairy products. But the European Commission (EC) guidance document does not always provide a clear answer. Specifically there have been problems issuing the right certificate for food supplements.

A detailed "Product Decision Tree" to clarify the scope of the legislation was made available by the EC in 2013. This guidance greatly expanded the number and types of products affected by the legislation. The decision tree is included in the further guidance that was developed and published in 2015. For more information see: <http://www.usda-eu.org/trade-with-the-eu/eu-import-rules/certification/>.

The Foreign Agricultural Service (FAS) office in The Hague along with USEU/FAS in Brussels organized a two-day program to bring port officials to Washington to meet with U.S. Government regulatory officials to resolve persistent certification issues. The extensive discussions on the difference between composite products and processed animal products made clear that the certification for many processed – often multi-ingredient- products has to be tailored to the specific product and company.

## **Backdating**

One of the EU requirements is that: "The certificate must be issued before the consignment to which it relates leaves the control of the competent authority of the country of dispatch". This means that the health certificate must be issued and signed before the shipment leaves the United States. If a replacement certificate is needed, the USDA Food Safety Inspection Service (FSIS) has been dating the replacement certificate with the same date as the original.

On October 26, 2016, FSIS issued Notice 83-16, which is changing the instructions to date the replacement certificate with the current date in order to provide an accurate date of certification for the importing country. In addition, FSIS is now limiting the time a replacement certificate can be issued without re-inspection to ninety calendar days for products that are not frozen or not shelf stable and 364 calendar days for frozen or shelf stable products. On January 24, 2017, Notice 83-16 came into effect.

## **Broken Seals**

For conducting the identity check of the shipment, the Dutch NVWA requires the seal number of the container to be on the health certificate. A seal number on the Bill of Lading is not sufficient as these

can be easily re-issued by private companies. If no seal number is present on the health certificate, a physical check is necessary to verify the identity of the shipment. If there is a broken seal, the port official will conduct an open container check to verify the health marks, count the boxes, verify the weight, and/or open the boxes to ensure that the product in the container matches what is listed on the export documentation.

**DISCLAIMER:** This report has been prepared by the USDA/Foreign Agricultural Service in The Hague, the Netherlands for U.S. exporters of domestic food and agricultural products. While every possible care was taken in the preparation of this report, the information provided may not be completely accurate either because policies have changed since its preparation, or because clear and consistent information about these policies was not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their Dutch customer (importer), who is normally best equipped to research such matters with local authorities, before any goods are shipped. Final import approval of any product is subject to the importing country's rules and regulations as interpreted by border officials at the time of product entry.